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June 27, 2003

The Honorable Asa Hutchinson
Under Secretary for Border and Transportation Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Re: Petition of the Riverview Trenton Railroad Company (RTR) to Operate an Intermodal Terminal in Wayne County Michigan

Dear Under Secretary Hutchinson:

I write to bring to your attention the U.S. Department of Transportation, Surface Transportation Board's (STB) recent decision regarding the Riverview Trenton Railroad Company's (RTR) petition to operate an intermodal terminal on the banks of the lower Detroit River; and, to request your assistance in examining the possible impact that this decision may have on border patrol and security concerns for residents of the southeast region of Michigan. If left unchallenged, it is my sincere belief that this decision will create several new security risks and necessitate a considerable increase in our current border patrol operations.

Many experts on port security issues have already written about the inherent risks associated with intermodal transportation terminals. Indeed, a recent National Cargo Security Council report warned about the dangers associated with such terminals by pointing out that individuals often are able to "exploit the complexity of the intermodal system"¹ because the system provides an "almost infinite number of ways to conceal contraband."² Moreover, as

¹ National Cargo Security Council Report, *"Contraband, Organized Crime and the Threat to the Transportation and Supply Chain Function"* (September 2001).

² Id.

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pointed out by Representative Frank LoBiondo, Chairman of the Subcommittee on Coast Guard and Maritime Transportation, if, "a biological or chemical weapon were enclosed in a container shipment, we could see it transported through the port and onto other locations in America ... harming the thousands of people exposed to it."³ Considering the many debilitating possibilities that could occur as a result of the STB's recent actions, it seems unconscionable that the Department of Homeland Security would sit idly by without offering its own analysis.

Beyond concerns involving weapons of mass destruction (WMD), the proposed RTR facility also provides additional opportunities for terrorists to gain access to America from Canada. In fact, as I am sure you are well aware, on numerous occasions in the past, terrorists, including Abu Mezer and Ahmed Ressam, have already tried to take advantage of Canada's immigration policies, with an eye towards crossing into the U.S. border. In light of this history, I find it deeply troubling that our government would endorse any policy that would help facilitate the increased immigration of would-be-terrorists.

As the Under Secretary for Border and Transportation Security, your office is charged with the responsibility of "preventing the entry of terrorists and the instruments of terrorism into the United States by securing the borders, territorial waters, ports, terminals, and waterways ... of the United States."⁴ And, while I am well aware that this is a tremendous responsibility, I write to bring this issue to your attention because the failure of the Department of Homeland Security to act on this matter could have a substantial negative impact on the local residents of Trenton, Riverview, Grosse Ile, Gibraltar and the neighboring cities throughout the entire southeastern region of Michigan.

The proposed operations of the RTR facility, its location near an international border, and its ability to act as a central holding station for overseas materials from Canada or other nations, threaten the very security of the entire region. Given the critical national security risks involved and timeliness of this matter, I sincerely hope that your office will immediately review the impact of the Surface Transportation Board's decision with respect to the costs and efforts associated with securing that portion of our nation's border. I am quite certain that the Surface Transportation Board would find such an analysis extremely beneficial.

³ U.S. House Committee on Transportation and Infrastructure, Press Release: *"House Highways and Transit Funding Proposal Would Substantially Benefit National Economy. According to Economic Forecast Report."* (May 13, 2003)

⁴ Title 6 USC §203 (2002).

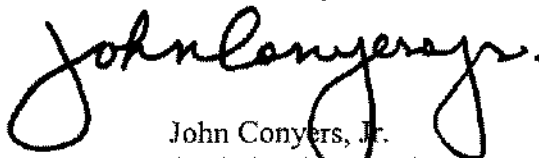
The Honorable Asa Hutchinson

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If you have any questions or need additional information concerning this request, please contact Greg Barnes of my staff at (202) 225-6504. Thank you in advance for your attention to this very important matter.

Sincerely,

A handwritten signature in black ink, reading "John Conyers, Jr." in a cursive style.

John Conyers, Jr.
Ranking Minority Member

cc: F. James Sensenbrenner, Jr., Chairman
Committee on the Judiciary

Legislative Affairs
U.S. Department of Homeland Security